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Sectt. 11-27—104,006—4-11-48.

Development (195) Department.

MS SERIES

G.O. NO 2154

Dated 19—5—52

notification no 432 at pp. 839—840 of Part I of TN Gazette at 4-6-52

[Despatch Abstract.]

Labour — Dispute — Demands between the workers and the management of the cashew-nut-processing factories in Mangalore — Reference to the Industrial Tribunal, Coimbatore, of regarding certain — orders.

GOVERNMENT OF MADRAS

****

ABSTRACT

LABOUR - Disputes - Dispute between the workers and the managements of the Cashewnut-processingfactories in Mangalore - Reference to the Industrial Tribunal, Coimbatore, for adjudication - Ordered.

DEVELOPMENT DEPARTMENT

G. O. No.Ms.2154 Dated the19th May, 1952.

Read the following:--

From the Commissioner of Labour letter No.A 4-12722/52 dated 1--4--1952; 9--4--1952 and 2--5--1952.

O R D E R

The following notification will be published in the Fort St. George Gazette:--

N o t i f i c a t i o n.

Whereas an industrial dispute has arisen between the workers and the managements of the Cashewnut-processing factories in Mangalore mentioned in the annexure to this order in respect of revision of wages and payment of dearness allowance and attendance allowance;

And whereas in the opinion of His Excellency the Governor of Madras it is necessary to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by Section 10(1)(c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the said dispute be refferred for adjudication to the Industrial Tribunal, having its place of sitting at Coimbatore.

J. M. LOBO PRABHU,
Secretary to Government.

To

The Industrial Tribunal, Brahmin Extension, Coimbatore.
The Commissioner of Labour, Madras.
The Collector of South Kanara
The Superintendent, Government Press (for publication)
The Secretary to Government of India, Ministry of Labour, New Delhi.
The Accountant-General, M a d r a s.
Management of Messrs.Peirce, Leslie & Co., Ltd., Mangalore.
" " Mizar Govindappa Annappa Pai & Sons, Mangalore.
" " Swastic Cashew Industries Ltd., Mangalore.
" " Fernandez Brothers, Mangalore.
" " Mallaya Nayak Company, Mangalore.
Secretary, Cashewnut Workers Union, Mangalore.
Copy to Reporters' Board.

/Forwarded/By order/

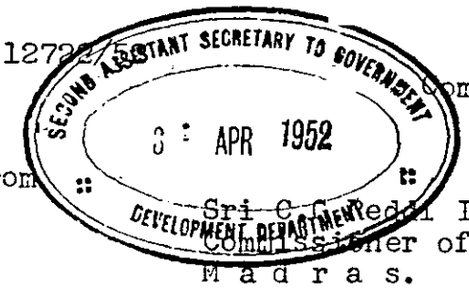
Superintendent.

ANNEXURE.

1. Messrs. Peirce, Leslie & Co., Limited, Mangalore.
2. Messrs. Mizar Govindappa Annappa Pai & Sons, Mangalore.
3. Messrs. Swastic Cashew Industries Ltd., Mangalore.
4. Messrs. Fernandez Brothers, Mangalore.
5. Messrs. Mallya Nayak Company, Mangalore.

3

A4.12722/52



Office of the
Commissioner of Labour, Chepauk, Madras
Dated: 1--4--1952.

From

Sri C.S.Reddi I.A.S.,
Commissioner of Labour,
M a d r a s.

To

The Secretary to Government,
Development Department,
Fort St.George,
MADRAS.

Dev 37676 Pt/52
3.4.52

Sir,

Sub: Labour--Dispute--Dispute between the workers and the managements of cashewnut Processing factories, Mangalore.

::::

The Cashewnut workers' Union, Mangalore made the following demands to the managements of all cashewnut factories in Mangalore.

1. Increase of wages for piece rated and daily rated workers by 50 percent over the existing rates;

2. Grant of adequate Dearness allowance to neutralise the increased cost of living;

3. attendance allowanceof 2 annas a day for each worker who had put in 11 or 12 days' work in a fortnight;

4. Bonus of 25% of the total earnings.

5. Revision of standing orders and reconstitution of works' Committees; and

6. Provision of canteens and creche.

A settlement by direct negotiation was not possible, the union made representation to me. I met the representatives of the workers and the factory managements at Mangalore on 22-3-52. After discussion, the demands relating to revision of Standing Orders, reconstitution of works' Committees, bonus, canteens and creche, were dropped. Matters relating to wages and Dearness Allowance were discussed with the representatives of the factory managements in Mangalore area. It was elicited at the time of discussion that the rate of 4 pies per pound for peelers and shellers in 1943 had been raised to 10 pies per pound in 1946and to 1 anna in 1948, that the daily rated workers were paid 12 annas to 0-13-6. The average out-turn per worker was about 12 lbs. A worker in the Peirce Leslie concern would get about 0-13-3 plus 0-2-0 regular attendance allowance, and in other concerns the piece rated workers would earn about 12 annas a day. As the wage level was low, I suggested to the management to revise the rates so that a worker may earn about Re.1/- to Re.1-2-0 a day. The managements wanted time to consider this suggestion till about the 10th of April. If no satisfactory reply is

.....(2)

24 37626 PI/52

received from the managements for revision of the rates of wages, the dispute will have to be referred for adjudication.

A | A further report will be sent to the Government on receipt of reply from the managements.

GA. 2-4

FOR COMMISSIONER OF LABOUR

Dev. Dept

To RS.

(C.L's report at pp 1—2 ante)

The further report mentioned at A above may be awaited till 5.5.52

8.4.52

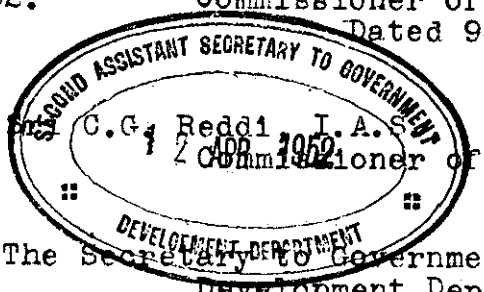
8/4/52

No. A4.12722/52.

Office of the
Commissioner of Labour, Chepauk, Madras.
Dated 9--4--52.

From

Sri C.G. Reddi, I.A.S.,
Commissioner of Labour, Madras.



To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub: Labour - Dispute - Dispute between the workers and the managements of Cashewnut Processing Factories, Mangalore - Reference for adjudication.

Ref: Correspondence resting with my letter to the Government A.4.12722/52 dated 1-4-52.

I have since received a reply from the managements of Cashewnut Processing Factories at Mangalore. The five managements, namely Messrs Pierce Leslie & Co., Mizar Govinda Annappa Pai & Sons, Swasti Cashew Industries Ltd., Fernandez Brothers and Mallya Nayak Company, Mangalore state that they are unable to do anything with regard to the revision of wages at this moment and that they will be able to review the matter in about three months. As already stated by me, the wage level in these cashewnut factories, is low. The request by the managements for three months' time

P.T.O.

is nothing but a 'wearing out' tactics and these should not be encouraged. I, therefore, request that the Government may be pleased to refer the issue on revision of wages to the Industrial Tribunal, Coimbatore for adjudication.

Parties to the dispute

Messrs Pierce Leslie &Co., Mangalore.
Messrs Mizar.Govinda Annappa Pai & Sons, Mangalore.
Messrs Swasti Cashew Industries Ltd. Mangalore.
Messrs Fernandes Brothers, Mangalore.
Messrs Mallya Nayak Company, Mangalore. and the
Cashewnut Workers' Union, Maidan Road, Mangalore - 1.

For Commissioner of Labour.

RR.10-4.

128/1874

Dec 5

Memo. No. 37676. PI/52-1 dated 17.4.52

Subj:— Labour — Dispute — Dispute between the workers and the managements of the cashewnut processing factories in Mangalore.

Ref From the C.L., letter no A.4- 12722/52 dated 1.4.52 and 9.4.52

The C.L. is requested to state whether the demands regarding the grant of dearness allowance and attendance allowance need not be referred for adjudication and, if so, to give reasons therefor. He is also requested to report whether the managements of all the cashewnut processing factories in Mangalore can

afford to increase the existing rate of wages

17492.

17/4/82

To compld
No 2214
The C.L.
10.5.82

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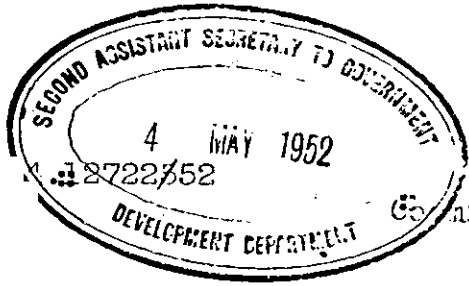

12722/52

Office of the
Commissioner of Labour, Chepauk, Madras
Dated: 2--5--1952.

From

Sri C.C.Reddi I.A.S.,
Commissioner of Labour,
M a d r a s.

Dev 49246 P1/52-1
5 5 52

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

Sir,

Sub: Labour--Disputes--Dispute between the workers and the managements of cashewnut processing factories in Mangalore.

-6 cut--

Ref: Government Memo No.37676 P1/52-1 dated 17-4-52.

::::

A There is no need to refer the demands regarding the grant of dearness allowance and attendance allowance separately for adjudication. As these two items are linked with the total earnings of a worker it would be enough if the wage rates are increased suitably by the adjudicator.

.....2

8

10

K | However, there is no objection if the issue to be referred for adjudication relates to wages, Dearness Allowance and attendance allowance.

2. The present level of wages is low and the workers are insistent that the rates should be upgraded. It will be for the Tribunal to decide whether the industry can afford to pay higher wages. Personally I feel that if an industry cannot afford to pay decent wages to the persons employed in that industry, it has to go under.

GA. 2-5

FOR COMMISSIONER OF LABOUR

Rones 20 copies

Development Department

Labour - Disputes - Dispute between the workers and the managements of the cashewnut-processing factories in Mangalore Reference to the Industrial Tribunal, Coimbatore, for adjudication - Ordered.

Read:

From the Commissioner of Labour letter No. A4-12722/52 dated 1-4-52, 9-4-52 and 2-5-52.

pp1-2 ✓
pp3-4 ✓
pp7-8 ✓

ORDER Ms. No. 2154 Development Dated 19-5-52

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION

Whereas an industrial dispute has arisen between the workers and the managements of the cashewnut-processing factories in Mangalore ~~in respect of matters~~ mentioned in the annexure to this order; in respect of revision of wages and payment of dearness allowance and attendance allowance;

K in p8 ✓

And whereas in the opinion of H.E. the Governor of Madras it is necessary to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by Section 10(1)(c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), H.E. the Governor of Madras hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal, having its place of sitting at Coimbatore.

15592 Pp 15-5-52

17/5/52

To the Ind. Tribunal, Brahmin Extension, Coimbatore.
" C. of L., Madras.
" Collector of South Kanara.
" Superintendent, G.P., (for publication)
" Secy. to Govt. of India, Ministry of Labour, New Delhi.
" A.G., Madras.
" Management of ~~the~~ M/S Peirce, Leslie & Co., Ltd., Mangalore.
" " M/S. Mizar Govindeppa Annappa Pai & Sons, Mangalore.
" " M/S. Swastic Cashew Industries Ltd., Mangalore.
" " M/S. Fernandez Brothers, Mangalore.
" " M/S. Mallya Nayak Company, Mangalore.
" Secretary, Cashewnut Workers Union, Mangalore.

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12

ANNEXURE

1. Messrs. Pearce, Leslie & Co., Ltd., Mangalore.
2. " Mizar Govindappa Annappa Pai & Sons, Mangalore.
3. " Swastic Cashew Industries Ltd., Mangalore.
4. " Fernandez Brothers, Mangalore.
5. " Mallya Nayak Company, Mangalore.

S
in p3
4
4

15582
DB
15-5-52

17152

Dev. Dpt

Subj:- Labour – Dispute: Dispute between the workers and the managements of the cashewnut processing factories in Mangalore.

Ref:- From the C.L., letter no. A4 – 12722/52 dated 1-4-52, 9-4-52 and 2-5-52

Dy no 37676 P2/52

pp 1–2 ✓
pp 3-4 ✓
pp 7–8 ✓

The Cashewnut Workers Union, Mangalore, has revised the following demands on behalf of the workers of 5 Cashewnut-processing factories in Mangalore

S in p 3 of

(1) Increase of wages for piece-rated and daily-rated workers.
(2) Payment of dearness allowance.
(3) Payment of attendance allowance
(4) Payment of bonus.
(5) Revision of standing orders and reconstitution of Works Committees.
(6) Provision of canteens and creche.

X in p 1 of

Consequent on the failure of direct negotiation between the parties and on representations from the unions, the Comm. of Labour discussed the demands with the representatives of the managements and the workers, as a result of which the demands (4), (5) and (6) were dropped.

Y in p 1 of

2. As regards the demands (1), (2) and (3), no settlement was possible.

→

The Commr. has reported that the daily-rated workers are paid at 12 to 13½ annas per day and that the piece-rated workers would earn about 12 annas a day. It seems that of all the factories, M/S. Peirce, Leslie & Co., Ltd., Mangalore, is paying about 0-15-3 per day including attendance allowance. As the wage level is very low, the Commr. suggested to the managements to revise the rates so as to enable a worker to earn about Re 1/= to Rs. 1-2-0 per day but the managements are not willing to make any change in the wage structure. They want 3 months' time to review the matter, which the Commr considers is request as a 'wearing out' tactics which should not be ~~requesting no~~ encouraged. As the wage level is very low, the Commr recommends that the issue regarding the revision of wages may be referred for adjudication. As the dearness allowance and attendance allowance are linked with the total earnings of a worker, the C.L. has stated that it is not necessary to refer the demands regarding the payment of the two allowances separately, though there is no objection to doing so. But in view of the fact that the Union

Z in pp 1 4

m pp 3-4 y

H in p 7 y

Kbsr.

3/1875

Cons 21676 Pt 15L

has made specific demands for the allowance it seems desirable to refer those demands also for adjudication. It is, therefore, for orders whether the issues regarding the revision of wages and payment of dearness allowance and attendance allowance may be referred to the Ind. Tribunal, Coimbatore, for adjudication

12/5/52

G. Ramachandran
12/5/52

S.

10552

10/5/52

May refer to adjudication

SECRETARY TO GOVERNMENT
15 MAY 1952
DEVELOPMENT DEPARTMENT

K. Krishnaswami 12/5

Govt. enable

14/5/52

14.5 (1 & L)

DEPUTY SECRETARY TO GOVERNMENT
15 MAY 1952

To A7.

(Orders in circulation alone)

A draft order is submitted for approval.

12/5/52

15558

15-5-52

(Issued as G.O. Rt. no. 2454 Dev. dt. 1958